NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
WASTE DISCHARGE PERMIT No. WA-003197-6

State of Washington
DEPARTMENT OF ECOLOGY
Northwest Regional Office
3190 – 160th Avenue SE
Bellevue, WA 98008-5452

In compliance with the provisions of
The State of Washington Water Pollution Control Law
Chapter 90.48 Revised Code of Washington
and
The Federal Water Pollution Control Act
(The Clean Water Act)
Title 33 United States Code, Section 1251 et seq.

WEYERHAEUSER COMPANY
P O Box 9777
Federal Way, WA 98063-9777

Facility Location: Weyerhaeuser Smith Island Site West of State Route 529 Everett, WA 98201	Receiving Water: Outfall #001 – Union/Steamboat Slough (Class A) – Near River Mile 1 Outfall #005 – Snohomish River (Class A) – Near River Mile 1
Water Body I.D. No.: Outfall #001 – 1221985480290 Outfall #005 – 1221923480201	Discharge Location: Latitude: Outfall #001 – 48° 01' 53" N Outfall #005 – 48° 01' 16" N Longitude: Outfall #001 – 122° 12' 10" W Outfall #005 – 122° 11' 34" W
Industry Type: Solid Waste Landfill – Nonputrescible	

is authorized to discharge in accordance with the Special and General Conditions which follow.

Kevin C. Fitzpatrick
Water Quality Section Manager
Northwest Regional Office
Washington State Department of Ecology

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SUMMARY OF PERMIT REPORT SUBMITTALS

Refer to the Special and General Conditions of this permit for additional submittal requirements.

Permit Section	Submittal	Frequency	First Submittal Date
S3.A	Discharge Monitoring Report	Quarterly	Department must receive no later than January 15, 2004
S3.F	Noncompliance Notification	Per S3.F instructions, if necessary	Per S3.F instructions
S5.	Engineering Report on Lift Station and Elimination of Outfall #005	Once	Department must receive no later than November 1, 2003
S5.	Engineering Report Plans and Specifications on Lift Station and Elimination of Outfall #005	Once	Department must receive no later than ~~thirty (30) days after approval date of engineering report~~ April 9, 2004
S6.B	Effluent Mixing Study Plan	Once, if necessary	If conducted, Department must receive no later than January 2, 2006
S6.B	Effluent Mixing Report	1/permit cycle, if necessary	If conducted, Department must receive no later than April 1, 2006
S7.	Receiving Water and Effluent Study Plan	1/permit cycle	Department must receive no later than ~~November 1, 2003~~ August 1, 2004
S7.B	Receiving Water and Effluent Study Report	1/permit cycle	Department must receive no later than November 1, ~~2004~~ 2005
S8.A	Acute Toxicity Characterization Data	1/year or minimum of 3 per S8 instructions	Department must receive within sixty (60) days after each subsequent sampling event
S8.A	Acute Toxicity Tests Characterization Summary Report	1/permit cycle, if necessary per S8 instructions	Within ninety (90) days following the last characterization sampling event
S8.C	Acute Toxicity Compliance Monitoring Reports	Quarterly, if necessary	Within sixty (60) days after each sampling event
S8.D	Acute Toxicity: “Causes and Preventative Measures for Transient Events.”	Per S8.D instructions, if necessary	Per S8.D instructions

Permit Section	Submittal	Frequency	First Submittal Date
S8.D	Acute Toxicity TI/TRE Plan	Per S8.D instructions, if necessary	Within sixty (60) days after each sampling event
S8.E	Acute Toxicity Effluent Characterization with Permit Renewal Application	1/permit cycle, if necessary, per S8 instructions	Once in last winter prior to submission of the renewal application
G1.	Notice of Change in Authorization	As necessary	Prior to, or together with, any subsequent reports following the change
G4.	Permit Application for Substantive Changes to the Discharge	As necessary	At least sixty (60) days prior to any proposed changes
G5.	Engineering Report for Construction or Modification Activities	As necessary	At least one hundred and eighty (180) days prior to the planned construction
G7.	Application for Permit Renewal	1/permit cycle	March 12, 2008
G8.	Notice of Permit Transfer	As necessary	At least thirty (30) days prior to transfer date
G20.	Notice of Planned Changes	As necessary	As soon as possible
G21.	Reporting Anticipated Noncompliance	As necessary	At least one hundred and eighty (180) days prior to the planned changes which may result in noncompliance with permit

SPECIAL CONDITIONS

S1. DISCHARGE LIMITATIONS

A. Landfill Leachate and Stormwater Discharges

Beginning on the effective date of this permit and lasting through the expiration date, the Permittee is authorized to discharge woodwaste landfill leachate and stormwater at the permitted location (Outfall #001) subject to complying with the following limitations:

- Discharge is authorized for SIC Code #4953 only – Solid Waste Landfills – Non-hazardous – Nonputrescible.
- Discharge to the Snohomish River (Union/Steamboat Slough) from Outfall #001 is prohibited from July through October each year in accordance with the requirements of the Snohomish River Estuary Total Maximum Daily Load (TMDL) (Department of Ecology Publications # 99-57, August 1999, *Snohomish River Estuary Total Maximum Daily Load, page 12*; and # 97-325, June 1997, *Snohomish River Estuary Dry Season TMDL Study-Phase II, page 14)*. An exception to this limitation is if there are unseasonably high precipitation events during this period, discharge is allowed, but only if the Snohomish River is above low flow/critical conditions during discharge.
- Discharge will be controlled to occur only during a flood and ebbing tide condition.
- This permit will be issued for a period of five (5) years and will expire on September 12, 2008. Wastewater discharged from Outfall #001 shall be monitored and adequately characterized for at least one (1) year from the effective date of the permit. If the results of the wastewater characterization are inadequate (i.e., due to a lack of discharge events and monitoring data) after one year, the wastewater characterization period may be extended an additional year on October 1st each year (on a yearly basis) at the discretion of the Department up to the expiration date of the permit. If the effluent testing establishes that there is reasonable potential that the discharge will cause or contribute to an excursion above a water quality criterion, the permit will be reopened and new effluent limits will be derived, imposed, and inserted in the permit. After the wastewater discharge has been adequately characterized, the monitoring plan and other permit requirements may be modified as well.
- Discharge to the Snohomish River from Outfall #005 is temporarily allowed until Outfall #005 is eliminated in accordance with the compliance schedule under Condition S5. The Department will not require effluent limits on the wastewater at Outfall #005, nor is the Permittee required to monitor wastewater from Outfall #005, during the interim period while permits are being obtained for the lift station and the lift station is being constructed, and Outfall #005 is eventually eliminated (see Condition S5).

- Discharges of process water are prohibited. Based on definitions of leachate and process water (Chapters 173-304, 350, and 351 WAC, *EPA NPDES Permit Writers' Manual,* 1996, and *The Permit Writer's Manual,* Ecology, 1994), the Department does not consider either storm water or woodwaste landfill leachate as process water.

Table 1: Interim (at least one year) Effluent Limitations: Outfall #001

INTERIM EFFLUENT LIMITATIONS: OUTFALL # 001	
Parameter[1,2]	**Average Monthly[a]**
5-day Biochemical Oxygen Demand (BOD_5) Maximum Effluent Concentration[3,4]	37 mg/L
Total Suspended Solids (TSS) Maximum Effluent Concentration[3,4]	27 mg/L
pH[3]	Shall be within the range 7.0 to 8.5 standard units (S.U.)
Ammonia (as N)[b, 3,4]	4.9 mg/L
Alpha Terpineol[3,4]	0.016 mg/L
Benzoic Acid[3,4]	0.071 mg/L
p-Cresol[3,4]	0.014 mg/L
Phenol[3,4]	0.015 mg/L
Zinc (total recoverable)[3,4]	0.11 mg/L
[a] The average monthly effluent limitation is defined as the highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month. If only one sample is taken during the calendar month, the average monthly effluent limitation applies to that sample. If only one sample is taken during the monitoring quarter, the average monthly effluent limitation applies to that sample.	
[b] For criteria concentrations based on total ammonia for marine water, see USEPA *Ambient Water Quality Criteria for Ammonia (Saltwater)-1989, EPA 440/5-88-004, April 1989.*	

Footnotes:

(1) Permittee shall note that WET characterization is required with the permit application. Therefore, any WET limits assigned shall be added to the table above.

(2) Permittee should note that there also may be additional effluent limits in S8. Acute Toxicity.

(3) Refer to S2. Interim Monitoring Requirements, Table 2, Monitoring Schedule for analysis methods, method detection levels (MDLs), and quantitation levels (QLs).

(4) The QLs given in S2, Table 2, Monitoring Schedule will be used for assessment of compliance with these effluent limits. If the Permittee is unable to attain the MDL and QL in its effluent due to matrix effects, the Permittee shall submit a matrix specific MDL and QL to the Department by December 2004. The matrix specific MDL and QL shall be calculated as follows:

MDL = 3.14 x (standard deviation of 7 replicate spiked samples). This corresponds to the calculation of the method detection limit, as defined in 40 CFR part 136, Appendix B, with the provision that the MDL be calculated for a specific effluent matrix.

The QL = 5 x MDL

If the measured effluent concentration is below the QL, the Permittee shall report NQ for non-quantifiable.

Average values shall be calculated as follows: measurements below the MDL = 0; measurements greater than the MDL = the measurement.

When sample measurements for compliance with mass-based limits fall below the MDL, the average loading shall be calculated using a concentration value of zero.

When sample measurements for compliance with mass-based limits fall above the MDL, the average loading shall be calculated using the measured concentration.

S2. INTERIM MONITORING REQUIREMENTS

A. Interim (at least one year) Wastewater Characterization Monitoring Schedule

1. The Permittee shall monitor Outfall #001 wastewater for characterization from November 1 through June 30 for an interim period of at least one (1) year from the effective date of the permit according to the schedule in the table below. When the wastewater discharge has been adequately characterized, the interim monitoring plan may be modified.

2. If the results of the wastewater characterization are inadequate (i.e., due to a lack of discharge events and monitoring data) after one year, the wastewater characterization period may be extended an additional year on October 1st each year (on a yearly basis) at the discretion of the Department up to the expiration date of the permit.

3. The Permittee is not required to monitor wastewater from Outfall #005 during the interim period while permits are being obtained for the lift station and the lift station is being constructed, and Outfall #005 is eventually eliminated (see Condition S5).

Table 2: Interim (at least one year) Monitoring Schedule: Wastewater Effluent From Outfall #001

Parameter[1]	Units	Sample Point	Minimum Sampling Frequency[1]	Sample Type
Flow	MGD	Outfall #001	Continuous [2]	Measurement
BOD_5[3]	mg/L	Outfall #001	Twice per month	Grab
TSS[4]	mg/L	Outfall #001	Once per month	Grab
Dissolved Oxygen	mg/L	Outfall #001	Once per month	Grab
Temperature	Degrees Celsius	Outfall #001	Once per month	Grab
pH[5]	Standard Units	Outfall #001	Once per month	Grab
Specific Conductivity[6]	uS/cm (umhos/cm)	Outfall #001	Once per month	Grab
Turbidity[7]	NTU	Outfall #001	Once per month	Grab
Alpha Terpineol[8]	mg/L	Outfall #001	Once per month	Grab

Parameter[1]	Units	Sample Point	Minimum Sampling Frequency[1]	Sample Type
Ammonia (NH_3-N)[9]	mg/L	Outfall #001	Once per month	Grab
Arsenic[10]	µg/L	Outfall #001	Once per month	Grab
Barium[11]	mg/L	Outfall #001	Once per month	Grab
Benzoic Acid[12]	mg/L	Outfall #001	Once per month	Grab
Chloride[13]	mg/L	Outfall #001	Once per month	Grab
Chromium[14]	µg/L	Outfall #001	Once per month	Grab
Copper[15]	µg/L	Outfall #001	Once per month	Grab
Iron[16]	mg/L	Outfall #001	Once per month	Grab
Lead[17]	µg/L	Outfall #001	Once per month	Grab
Manganese[18]	mg/L	Outfall #001	Once per month	Grab
Mercury[19]	µg/L	Outfall #001	Once per month	Grab
Nickel[20]	µg/L	Outfall #001	Once per month	Grab
Nitrate[21]	mg/L	Outfall #001	Once per month	Grab
Oil and Grease[22]	mg/L	Outfall #001	Once per month	Grab
p-Cresol[23]	mg/L	Outfall #001	Once per month	Grab
Phenol[24]	mg/L	Outfall #001	Once per month	Grab
Sulfate[25]	mg/L	Outfall #001	Once per month	Grab
Zinc[26]	µg/L	Outfall #001	Once per month	Grab
Acute Toxicity Testing - Refer to Section S8		Outfall #001	Once per quarter	Grab

Footnotes:

(1) Because discharge to surface water from Outfall #001 is prohibited from July through October to assure compliance with the Lower Snohomish TMDL, sampling is required only from November 1 through June 30 each year. The Permittee is not required to discharge only to comply with minimum sampling frequency requirements. Discharge should only occur when conditions at the facility require the need to discharge. Parameters sampled and/or sampling frequency may be changed after twelve (12) months if supported by monitoring data. All change requests shall be submitted to the Department in writing by the Permittee. The Department may reduce or increase parameters sampled and/or sampling frequency after evaluation of reported data. All monitoring under this permit must be done pursuant to an approved EPA or SM method unless another method is approved by Ecology pursuant to Condition S3.D.

(2) Continuous means uninterrupted for the duration of each discharge event except for brief lengths of time for calibration, for power failure, or for unanticipated equipment repair or maintenance. As an alternative to continuous flow monitoring, the Permittee may submit for Ecology's review and approval the details of a calculation method to determine the volume of effluent discharged from Outfall 001.

(3) For BOD_5 analysis, ~~use preferred Standard Methods for the Examination of Water and Wastewater, 18th Edition (SM), 5210B, or optional EPA Method 450.1. T~~ the method detection level (MDL) for BOD_5 ~~should~~ shall be no greater than 2 mg/L. The quantitation level (QL) for BOD_5 ~~should~~ shall be no greater than 10 mg/L (5 x MDL).

(4) For Total Suspended Solids (TSS) analysis ~~use preferred SM 2540D, or optional EPA Method 160.2. The MDL for TSS should be no greater than 1 mg/L. T~~ the QL for TSS ~~should~~ shall be no greater than 5 mg/L (5 x MDL).

(5) For pH analysis in the field, use a meter. For pH analysis in the lab, use an EPA ~~Method 150.1~~ or SM-approved method. ~~4500H.~~

(6) Specific Conductivity is measured in micromhos/cm at 25 degrees Celsius using Wheatstone bridge ~~and EPA Method 120.1, or SM 2510.~~

(7) Turbidity is measured in nephelometric turbidity units ~~using EPA Method 180.1, or SM 2130~~.

(8) The MDL for alpha terpineol ~~should~~ shall be no greater than 10 µg/L. ~~using EPA Method 1625 (inductively coupled plasma – mass spectrometry [ICP-MS] – Isotope Dilution.~~ The QL for alpha terpineol ~~should~~ shall be no greater than 50 µg/L (5 x MDL).

(9) The MDL for ammonia (as N) ~~should~~ shall be no greater than 0.020 mg/L. ~~using etiher EPA Method 350.1, 350.2, 350.3, or SM 4500 NH_3D.~~ The QL for ammonia ~~should~~ shall be no greater than 0.10 mg/L (5 x MDL). For criteria concentrations based on total ammonia for marine water, see USEPA *Ambient Water Quality Criteria for Ammonia (Saltwater)-1989, EPA 440/5-88-004, April 1989.*

(10) The MDL for arsenic ~~should~~ shall be no greater than 1 µg/L. ~~using graphite furnace atomic absorption spectrometry (GFAA) and EPA Method 206.2.~~ The QL for arsenic ~~should~~ shall be no greater than 5 µg/L (5 x MDL).

(11) The MDL for barium ~~should~~ shall be no greater than 30 µg/L. ~~using GFAA and EPA Method 208.2.~~ The QL for barium ~~should~~ shall be no greater than 150 µg/L (5 x MDL).

(12) The MDL for benzoic acid ~~should~~ shall be no greater than 10 µg/L. ~~using EPA Method 8270~~. The QL for benzoic acid ~~should~~ shall be no greater than 50 µg/L (5 x MDL).

(13) The MDL for chloride ~~should~~ shall be no greater than 0.2 mg/L. ~~using EPA Method 300.0 or Sm 4110B~~. The QL for chloride ~~should~~ shall be no greater than 1.0 mg/L (5 x MDL).

(14) The MDL for chromium ~~should~~ shall be no greater than 1 µg/L. ~~using GFAA and EPA Method 218.2~~. The QL for chromium ~~should~~ shall be no greater than 5 µg/L (5 x MDL).

(15) The MDL for copper ~~should~~ shall be no greater than 1 µg/L. ~~using GFAA and EPA Method 220.2~~. The QL for copper ~~should~~ shall be no greater than 5 µg/L (5 x MDL).

(16) The MDL for iron ~~should~~ shall be no greater than 20 µg/L. ~~using GFAA and EPA Method 236.2~~.

(17) The MDL for lead ~~should~~ shall be no greater than 1 µg/L. ~~using GFAA and EPA Method 239.2~~. The QL for lead ~~should~~ shall be no greater than 5 µg/L (5 x MDL).

(18) The MDL for manganese ~~should~~ shall be no greater than 10 µg/L. ~~using GFAA and EPA Method 243.2~~.

(19) The MDL for mercury ~~should~~ shall be no greater than 0.2 µg/L. ~~using either cold vapor EPA Method 245.1 or automated EPA Method 245.2~~. The QL for mercury ~~should~~ shall be no greater than 1.0 µg/L (5 x MDL).

(20) The MDL for nickel ~~should~~ shall be no greater than 1 µg/L. ~~using GFAA and EPA Method 249.2~~. The QL for nickel is 5 µg/L (5 x MDL).

(21) ~~Nitrate is measured using colorimetric (brucine sulfate) or nitrate-nitrite N minus nitrite N, using EPA Method 352.1. Nitrate is also measured by EPA Method 353.2 and SM 4500 NO_3F.~~ The MDL for Nitrate (as N) ~~should~~ shall be no greater than 0.5 mg/L.

(22) The MDL for oil and grease ~~should~~ shall be no greater than 0.2 mg/L. ~~using trichlorotrifluoroethane extraction and gravimetric analysis using EPA Method 413.1~~. The quantitation level (QL) for oil and grease ~~should~~ shall be no greater than 1.0 mg/L (5 x MDL). An equivalent method is ~~Method 1664 using normal hexane (n-hexane) as the extraction solvent in place of 1,1,2-trichloro-1,2,2-trifluoroethane (CFC-113; Freon-113). An equivalent method is~~ total petroleum hydrocarbons with a MDL of 0.1 mg/L using Gas Chromatography and Flame Ionization Detector (FID) and Method WTPH-Dx Diesel (WTPH-D) from the Washington State Department of Ecology Method WTPH-D. The QL for TPH-Dx ~~is should~~ shall be no greater than 0.5 mg/L (5 x MDL).

(23) The MDL for p-cresol ~~should~~ shall be no greater than 20 µg/L. ~~using EPA Method 1635~~. The QL for p-cresol ~~should~~ shall be no greater than 100 µg/L (5 x MDL).

(24) The MDL for phenol ~~should~~ shall be no greater than 2.2 µg/L. ~~using gas chromatography/flame ionization detector (GC/FID) and EPA Method 604~~. The QL for phenol ~~should~~ shall be no greater than 11 µg/L.

(25) ~~Sulfate is measured using automated colorimetric (barium chloranilate) and EPA Method 375.1, or gravimetric and EPA Method 375.3, or turbidimetric and EPA Method 375.4, or EPA Method 330.0, or SM 4110B.~~ The MDL for sulfate ~~should~~ shall be no greater than 1 mg/L.

(26) The MDL for zinc ~~should~~ shall be no greater than 2 µg/L. ~~using inductively coupled plasma (ICP) and EPA Method 200.7~~. The QL for zinc ~~should~~ shall be no greater than 10 µg/L (5 x MDL).

B. Sampling and Analytical Procedures

Samples and measurements taken to meet the requirements of this permit shall be representative of the volume and nature of the monitored parameters, including representative sampling of any unusual discharge or discharge condition, including bypasses, upsets, and maintenance-related conditions affecting effluent quality.

Sampling and analytical methods used to meet the monitoring requirements specified in this permit shall conform to the latest revision of the *Guidelines Establishing Test Procedures for the Analysis of Pollutants* contained in 40 CFR part 136 or to the latest revision of *Standard Methods for the Examination of Water and Wastewater* (APHA), unless otherwise specified in this permit or approved in writing by the Department of Ecology (Department).

C. Flow Measurement

Appropriate flow measurement devices and/or methods consistent with accepted scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the quantity of monitored flows. ~~The~~ Any flow measurement devices shall be installed, calibrated, and maintained to ensure that the accuracy of the measurements is consistent with the accepted industry standard for that type of device. For mechanical flow measurement systems, the frequency of calibration shall be in conformance with manufacturer's recommendations and at a minimum frequency of at least one (1) calibration per year. Calibration records shall be maintained for at least three (3) years.

D. Laboratory Accreditation

All monitoring data required by the Department shall be prepared by a laboratory registered or accredited under the provisions of, *Accreditation of Environmental Laboratories*, Chapter 173-50 WAC. Flow, temperature, settleable solids, conductivity, pH, and internal process control parameters are exempt from this requirement. Conductivity and pH shall be accredited if the laboratory must otherwise be registered or accredited. The Department exempts crops, soils, and hazardous waste data from this requirement pending accreditation of laboratories for analysis of these media.

S3. REPORTING AND RECORDKEEPING REQUIREMENTS

The Permittee shall monitor and report in accordance with the following conditions. The falsification of information submitted to the Department shall constitute a violation of the terms and conditions of this permit.

A. Reporting

The first monitoring period begins on the effective date of the permit unless otherwise specified in this permit. Monitoring results shall be submitted quarterly. Monitoring results obtained during the previous three (3) months shall be summarized, reported, and submitted on the monthly Discharge Monitoring Report (DMR) forms as provided, or otherwise approved, by the Department, and be received no later than the 15th day of the month following the completed monitoring period, unless otherwise specified in this permit. Priority pollutant analysis data shall be submitted no later than forty-five (45) days following the monitoring period. Unless otherwise specified, all toxicity test data shall be submitted within sixty (60) days after the sample date. The report shall be sent to the Department of Ecology, Northwest Regional Office, 3190 – 160th Avenue SE, Bellevue, Washington 98008.

All laboratory reports providing data for organic and metal parameters shall include the following information: sampling date, sample location, date of analysis, parameter name, CAS number, analytical method/number, method detection limit (MDL), laboratory practical quantitation limit (PQL), reporting units, and concentration detected.

Discharge Monitoring Report forms must be submitted quarterly whether or not the facility was discharging. If there was no discharge during a given monitoring period, submit the form as required with the words "no discharge" entered in place of the monitoring results.

B. Records Retention

The Permittee shall retain records of all monitoring information for a minimum of three (3) years. Such information shall include all calibration and maintenance records and all original recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the Permittee or when requested by the Director.

C. Recording of Results

For each measurement or sample taken, the Permittee shall record the following information: (1) the date, exact place, method, and time of sampling or measurement; (2) the individual who performed the sampling or measurement; (3) the dates the analyses were performed; (4) the individual who performed the analyses; (5) the analytical techniques or methods used; and (6) the results of all analyses.

D. Test Procedures

All sampling and analytical methods used to meet the monitoring requirements specified in this permit shall conform to the *Guidelines Establishing Test Procedures for the Analysis of Pollutants* contained in 40 CFR part 136, unless otherwise specified in this permit or approved in writing by the Department.

E. Additional Monitoring by the Permittee

If the Permittee monitors any pollutant more frequently than required by this permit using test procedures specified by Condition S2 of this permit, then the results of this monitoring shall be included in the calculation and reporting of the data submitted in the Permittee's DMR.

F. Noncompliance Notification

In the event the Permittee is unable to comply with any of the terms and conditions of this permit due to any cause, the Permittee shall:

1. Immediately take action to stop, contain, and clean up unauthorized discharges or otherwise stop the noncompliance, correct the problem and, if applicable, repeat sampling and analysis of any noncompliance immediately and submit the results to the Department within thirty (30) days after becoming aware of the violation.
2. Immediately notify the Department of the failure to comply.
3. Submit a detailed, written report to the Department within thirty (30) days, unless requested earlier by the Department. The report shall contain a description of the noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and the steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

Compliance with these requirements does not relieve the Permittee from responsibility to maintain continuous compliance with the terms and conditions of this permit or the resulting liability for failure to comply.

S4. SOLID WASTE CONTROL

A. Solid Waste

The Permittee shall control all solid waste material in such a manner as to prevent its entry into state ground or surface water.

B. Leachate

The Department has determined that the Permittee has a potential to cause pollution of the waters of the state from leachate of solid waste. The Permittee shall not allow leachate from its solid waste material to enter state waters without providing all known available and reasonable methods of treatment (AKART), nor allow such leachate to cause violations of the state surface water quality standards, Chapter 173-201A WAC, or the state ground water quality standards, Chapter 173-200 WAC.

C. Solid Waste Management

The Weyerhaeuser Smith Island ~~Woodwaste~~ Landfill has not received woodwaste since the Kraft pulp ~~M~~mill closed in 1992. Regulations governing solid waste management are found in Chapter 173-304 and/or Chapter 173-350 WAC. Snohomish County Health District has regulatory authority (jurisdiction) over management of the landfill. All ground water issues (including hydrogeologic characterization and ground water monitoring) either have been addressed, or are currently being addressed, under the Solid Waste Permit for Weyerhaeuser Smith Island ~~Woodwaste~~ Landfill in accordance with Chapter 173-304 and/or Chapter 173-350 WAC.

S5. COMPLIANCE SCHEDULE

1. No later than November 1, 2003, two copies of an approvable engineering report on the lift station and elimination of Outfall #005 construction projects shall be prepared by the Permittee in accordance with WAC 173-240 and submitted to the Department for review and approval. The Department has determined that these projects are minor projects on an existing wastewater treatment facility. Therefore, the Permittee must contact the Department's permit facility manager for the engineering report requirements.

2. No later than April 9, 2004, ~~thirty (30) days after the approval date of the engineering report on the lift station and elimination of Outfall #005~~, the Permittee shall submit two copies of approvable plans and specifications on the lift station and elimination of Outfall #005 in accordance with WAC 173-240 to the Department for review and approval.

3. The Department waives the requirement for submitting an operation and maintenance manual.

4. No later than March 1, 2005, the Permittee is required to obtain all permits, complete construction of the lift station, eliminate all discharge from Outfall #005, and redirect all discharge through Outfall #001. If construction of the lift station and elimination of Outfall #005 is delayed due to the local, state, and federal environmental permitting process, the Department will extend the compliance schedule deadline in accordance with CWA 502 (17) and 40 CFR 122.47 upon written request from the Permittee.

S6. EFFLUENT MIXING STUDY

A. General Requirements

If the Permittee elects to conduct a mixing zone analysis for complying with surface water quality standards, the protocols discussed below shall be followed:

The Permittee shall determine the degree of effluent and receiving water mixing which occurs within the ~~mixing zone.~~ horizontal radius of the acute criteria distance measured from the discharge port. The acute criteria distance is defined as 10% of the sum of 200 feet plus the depth of water at an ebbing tide. The degree of mixing shall be determined during critical conditions, as defined in WAC 173-201A-020 Definitions - "Critical Condition," or as close to critical conditions as reasonably possible.

The critical condition scenarios shall be established in accordance with *Guidance for Conducting Mixing Zone Analyses* (Ecology, 1996). For critical condition scenarios at the acute boundary, the ~~industrial~~ effluent flow rate to use for analyses is the highest daily maximum flow for the past three years during the season in which critical condition (or as close to critical condition as reasonably possible) is likely to occur. ~~For analyses of critical condition scenarios at the chronic boundary, the industrial effluent flow rate to use is the highest monthly average flow for the past three years during the season in which the critical condition (or as close to critical condition as reasonably possible) is likely to occur. For average condition (human health-based) scenarios, the flow rate to use is the annual average design flow based on permit application or DMR analysis.~~ The dilution ratio shall be measured in the field with dye using study protocols specified in the *Guidance*, (Ecology, 1996, Appendix 6.1, Section 1.6) "Conducting a Dye Study," as well as other protocols listed in subpart C. Protocols (below). The use of mixing models is an acceptable alternative or adjunct to a dye study if the critical ambient conditions necessary for model input are known or will be established with field studies. The *Guidance* mentioned above shall be consulted when choosing the appropriate model. The use of models is also required if critical condition scenarios that need to be examined are quite different from the set of conditions present during the dye study.

Validation (and possibly calibration) of a model may be necessary and shall be done in accordance with the *Guidance* mentioned above, in particular, Appendix 6.1, Subsection 1.6.2, "Quantify Dilution." The resultant dilution ratio~~s~~ for an acute ~~and chronic boundaries~~ boundary shall be applied in accordance with directions found in Ecology's *Permit Writer's Manual* (1994, Ecology Publication 92-109, including addenda through July 2002), in particular, Chapter VI.

The Department expects that computer modeling will be necessary to define the mixing within the zone of acute compliance, if one is authorized.

The mixing data will be applied to effluent data to quantify pollutant concentrations within and at the edge of the mixing zone~~(s)~~.

B. Reporting Requirements

If the Permittee has information on the background physical conditions or background concentration of chemical substances (for which there are criteria in Chapter 173-201A WAC) in the receiving water, this information shall be submitted to the Department as part of the Effluent Mixing Report if the Permittee conducts a mixing zone analysis.

The results of the effluent mixing study (if conducted) shall be included in the Effluent Mixing Report, which shall be submitted to the Department for approval no later than April 1, 2006. If the Permittee conducts a mixing zone analysis, a Plan of Study for the mixing report shall be submitted to the Department no later than January 2, 2006.

If the results of the mixing study, toxicity tests, and chemical analysis indicate that the concentration of any pollutant(s) exceeds or has a reasonable potential to exceed the state water quality standards, Chapter 173-201A WAC, the Department may issue a regulatory order to require a reduction of pollutants, ~~or~~ modify this permit to impose effluent limitations, or grant a mixing zone pursuant to this section to meet the water quality standards.

The Permittee shall use some method of fixing and reporting the location of the outfall and mixing zone boundary ~~boundaries~~ (i.e., triangulation off the shore, microwave navigation system, or using Loran or Global Positioning System [GPS] coordinates). The method of fixing station location and the actual station locations shall be identified in the report if the Permittee conducts a mixing zone analysis.

C. Protocols

The Permittee shall determine the dilution ratio using protocols outlined in the following references, approved modifications thereof, or by another method approved by the Department:

- Akar, P.J. and G.H. Jirka, 1990, *Cormix2: An Expert System for Hydrodynamic Mixing Zone Analysis of Conventional and Toxic Multiport Diffuser Discharges*, USEPA Environmental Research Laboratory, Athens, GA, Draft, July 1990.
- Baumgartner, D.J., W.E. Frick, P.J.W. Roberts, and C.A. Bodeen, 1993, *Dilution Models for Effluent Discharges*, USEPA, Pacific Ecosystems Branch, Newport, OR, 1993.
- Doneker, R.L. and G.H. Jirka, 1990, *Cormix1: An Expert System for Hydrodynamic Mixing Zone Analysis of Conventional and Toxic Submerged Single Port Discharges*, USEPA, Environmental Research Laboratory, Athens, GA. EPA/600-3-90/012, 1990.
- Ecology, 1994, *Permit Writer's Manual*, Water Quality Program, Department of Ecology, Olympia, WA 98504, July 1994, including addenda through July 2002.
- Ecology, 1996, *Guidance for Conducting Mixing Zone Analyses*, Permit Writer's Manual, (Appendix 6.1), Water Quality Program, Department of Ecology, Olympia, WA 98504, October 1996.A. EPA/600-3-90/012.

- Kilpatrick, F.A., and E.D. Cobb, 1985, Measurement of Discharge Using Tracers, Chapter A16, *Techniques of Water-Resources Investigations of the USGS, Book 3, Application of Hydraulics,* USGS, U.S. Department of the Interior, Reston, VA, 1985.
- Wilson, J.F., E.D. Cobb, and F.A. Kilpatrick, 1986, Fluorometric Procedures for Dye Tracing, Chapter A12, *Techniques of Water-Resources Investigations of the USGS, Book 3, Application of Hydraulics,* USGS, U.S. Department of the Interior, Reston, VA, 1986.

S7. RECEIVING WATER AND EFFLUENT STUDY

The Permittee shall collect receiving water information necessary to determine if the effluent has a reasonable potential to cause a violation of the water quality standards. If reasonable potential exists, the Department will use this information to calculate effluent limits. All sampling and analysis shall be conducted in accordance with the guidelines given in *Guidelines and Specifications for Preparing Quality Assurance Project Plans,* Ecology Publication 91-16. The Permittee shall submit a Sampling and Quality Assurance Plan for Department review and approval by ~~November 1, 2003~~ August 1, 2004.

A. Effluent Analysis

The Permittee shall analyze the wastewater discharge for the same parameters as, and in accordance with, S2. Monitoring Requirements. One of the sample times shall coincide with the receiving water study. All analysis for metals must use the methods given in 40 CFR part 136 and be reported as total recoverable. The Permittee should use the clean sampling guidance for collection of metals samples.

B. Receiving Water Analysis

The Permittee shall conduct a receiving water analysis study that considers ~~sample and analyze the receiving water for~~ the ~~same~~ parameters specified ~~as, and~~ in ~~accordance with,~~ S2. Monitoring Requirements. When conducting the study, the Permittee may sample and analyze the receiving water for the S2 parameters, and in accordance with S2. Monitoring Requirements, or it may use Department-approved data as specified below. In addition to the parameters listed in S2, the Permittee shall either sample and analyze the receiving water for salinity, using an approved EPA or SM method, or use Department-approved data as specified below. ~~and use SM 2520. In addition to the requirements in S2,~~ All of the metals sampled from the receiving water shall be analyzed for ~~both~~ total recoverable and dissolved concentrations. The time of sampling shall be as close as possible to the time of critical condition. The Permittee shall follow the clean sampling techniques (*Method 1669: Sampling Ambient Water for Trace Metals at EPA Water Quality Criteria Levels,* EPA Publication No. 821-R-95-034, April 1995). The sampling station accuracy requirements are ± 20 meters. The receiving water sampling location should be outside the zone of influence of the effluent. The Department considers ten receiving water samples to be the optimal data set and four to be the minimum, for determining reasonable potential to cause a violation of the water quality standards. All chemical analysis shall be conducted according to methods given in 40 CFR 136.

Any subsequent sampling and analysis shall also meet these requirements. The Permittee may conduct a cooperative receiving water study with other NPDES Permittees discharging in the same vicinity. The Permittee shall submit the results of the study in a written report to the Department by November 1, ~~2004~~ 2005.

As approved by the Department, the Permittee may use available Steamboat Slough or lower Snohomish River water quality information developed by the Department of Ecology or other NPDES permitted dischargers to address whether the effluent has a reasonable potential to cause a violation of water quality standards.

S8. ACUTE TOXICITY

A. Effluent Characterization

1. The Permittee shall conduct a minimum of three (3) separate acute toxicity tests on the final effluent at Outfall #001 to determine the presence and amount of acute (lethal) toxicity.

2. The first acute toxicity test shall be conducted simultaneously with the first discharge at Outfall #001 following completion of the lift station, elimination of Outfall #005, and the redirecting of Outfall #005 waters to Outfall #001. The second and third acute toxicity tests shall be conducted during different discharge events, and each as close to critical conditions as possible.

3. If the three consecutive acute toxicity tests result in 100% survival in 100% effluent, no additional acute toxicity testing will be required of the Permittee to the expiration date of the permit.

4. All acute toxicity tests listed below shall be conducted on each sample taken for effluent characterization. A written report of the toxicity tests effluent characterization data shall be submitted to the Department within sixty (60) days after the sample date. If any of the three acute toxicity tests under number 1 in this subsection do not result in 100% survival in 100% effluent, then the Permittee shall submit a written report of the acute toxicity tests characterization to the Department each permit cycle. The Department must receive the report within ninety (90) days following the last characterization sampling event.

Acute toxicity testing shall follow protocols, monitoring requirements, and quality assurance/quality control procedures specified in this section. A dilution series consisting of a minimum of five concentrations and a control shall be used to estimate the concentration lethal to 50% of the organisms (LC_{50}). The percent survival in 100% effluent shall also be reported.

Acute toxicity tests shall be conducted with the following species and protocols:

1. Mysid shrimp, *Americamysis bahia (aka Mysidopsis bahia)* (48-hour static test, method: EPA 821/R-02-012).

2. Rainbow trout, *Oncorhynchus mykiss* (96-hour static-renewal test, method: EPA 821/R-02-012).

B. Effluent Limit for Acute Toxicity

The Permittee will have an effluent limit for acute toxicity if any of the three (3) acute toxicity tests (required under number 1 in subsection A) on the final effluent at Outfall #001 result in either:

1. The median survival of any species in 100% effluent is below 80%.
2. Any one test of any species exhibits less than 65% survival in 100% effluent.

If an effluent limit for acute toxicity is required by this subsection (B), the Permittee shall immediately complete all applicable requirements for routine monitoring and compliance with the acute WET limit in subsections C, D, and F.

If no effluent limit is required by this subsection (B) and any of the three acute toxicity tests in subsection A do not result in 100% survival in 100% effluent, then the Permittee shall complete all applicable requirements for characterizing the acute toxicity for the next permit application in subsection E per the requirements of subsection F.

The effluent limit for acute toxicity is no acute toxicity detected in a test concentration representing the acute critical effluent concentration (ACEC).

In the event of failure to pass the test described in subsection C of this section for compliance with the effluent limit for acute toxicity, the Permittee is considered to be in compliance with all permit requirements for acute whole effluent toxicity as long as the requirements in subsection D are being met to the satisfaction of the Department.

The ACEC means the maximum concentration of effluent during critical conditions at the boundary of the zone of acute criteria exceedance assigned pursuant to WAC 173-201A-100. Since there is no zone of acute criteria exceedance in this permit, the ACEC equals 100% effluent.

C. Monitoring for Compliance With an Effluent Limit for Acute Toxicity

Monitoring to determine compliance with the effluent limit shall be conducted quarterly for the remainder of the permit term using each of the species listed in subsection A on a rotating basis and performed using at a minimum 100% effluent, the ACEC (100% effluent), and a control. The Permittee shall submit a written report of the acute toxicity compliance monitoring to the Department within sixty (60) days after each sampling event.

The Permittee shall schedule the toxicity tests in the order listed in the permit unless the Department notifies the Permittee in writing of another species rotation schedule. The percent survival in 100% effluent shall be reported for all compliance monitoring.

Compliance with the effluent limit for acute toxicity means no statistically significant difference in survival between the control and the test concentration representing the ACEC. The Permittee shall immediately implement subsection D if any acute toxicity test conducted for compliance monitoring determines a statistically significant difference in survival between the control and the ACEC using hypothesis testing at the 0.05 level of significance (Appendix H, EPA/600/4-89/001). If the difference in survival between the control and the ACEC is less than 10%, the hypothesis test shall be conducted at the 0.01 level of significance.

D. Response to Noncompliance With an Effluent Limit for Acute Toxicity

If the Permittee violates the acute toxicity limit in subsection B, the Permittee shall begin additional compliance monitoring within one week from the time of receiving the test results. This additional monitoring shall be conducted weekly for four consecutive weeks using the same test and species as the failed compliance test. For intermittent discharges, testing shall be conducted on the next four discharge events using the same test and species as the failed compliance test. Testing shall determine the LC_{50} and effluent limit compliance. The discharger shall return to the original monitoring frequency in subsection C after completion of the additional compliance monitoring.

If the Permittee believes that a test indicating noncompliance will be identified by the Department as an anomalous test result, the Permittee may notify the Department that the compliance test result might be anomalous and that the Permittee intends to take only one additional sample for toxicity testing and wait for notification from the Department before completing the additional monitoring required in this subsection.

The notification to the Department shall accompany the report of the compliance test result and identify the reason for considering the compliance test result to be anomalous. The Permittee shall complete all of the additional monitoring required in this subsection as soon as possible after notification by the Department that the compliance test result was not anomalous. If the one additional sample fails to comply with the effluent limit for acute toxicity, then the Permittee shall proceed without delay to complete all of the additional monitoring required in this subsection. The one additional test result shall replace the compliance test result upon determination by the Department that the compliance test result was anomalous.

If all of the additional compliance monitoring conducted in accordance with this subsection complies with the permit limit, the Permittee shall search all pertinent and recent facility records (operating records, monitoring results, inspection records, weather records, pretreatment records, etc.) and submit a report to the Department on possible causes and preventive measures for the transient toxicity event which triggered the additional compliance monitoring.

If toxicity occurs in violation of the acute toxicity limit during the additional compliance monitoring, the Permittee shall submit a Toxicity Identification/Reduction Evaluation (TI/RE) plan to the Department. The TI/RE plan submittal shall be within sixty (60) days after the sample date for the fourth additional compliance monitoring test. If the Permittee decides to forgo the rest of the additional compliance monitoring tests required in this subsection because one of the first three additional compliance monitoring tests failed to meet the acute toxicity limit, then the Permittee shall submit the TI/RE plan within sixty (60) days after the sample date for the first additional monitoring test to violate the acute toxicity limit. The TI/RE plan shall be based on WAC 173-205-100(2) and shall be implemented in accordance with WAC 173-205-100(3).

E. Monitoring When There Is No Permit Limit for Acute Toxicity and Any of the Three Acute Toxicity Tests in Subsection A Do Not Result in 100% Survival in 100% Effluent

The Permittee shall test final effluent once in the last winter (providing there are any discharges) prior to submission of the application for permit renewal. All species used in the initial acute effluent characterization or substitutes approved by the Department shall be used, and results submitted to the Department as a part of the permit renewal application process.

F. Sampling and Reporting Requirements

1. All reports for effluent characterization or compliance monitoring shall be submitted in accordance with the most recent version of Department of Ecology Publication # WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria,* in regards to format and content. Reports shall contain bench sheets and reference toxicant results for test methods. If the lab provides the toxicity test data on floppy disk for electronic entry into the Department's database, then the Permittee shall send the disk to the Department along with the test report, bench sheets, and reference toxicant results.

2. Testing shall be conducted on grab samples. Grab samples must be shipped on ice to the lab immediately upon collection. If a grab sample is received at the testing lab within one hour after collection, it must have a temperature below 20° C at receipt. If a grab sample is received at the testing lab within 4 hours after collection, it must be below 12° C at receipt. All other samples must be below 8° C at receipt. The lab shall begin the toxicity testing as soon as possible but no later than 36 hours after sampling was ended. The lab shall store all samples at 4° C in the dark from receipt until completion of the test.

3. All samples and test solutions for toxicity testing shall have water quality measurements as specified in Department of Ecology Publication #WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria,* or most recent version thereof.

4. All toxicity tests shall meet quality assurance criteria and test conditions in the most recent versions of the EPA manual listed in subsection A and the Department of Ecology Publication #WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria*. EPA's current procedure manual is EPA-821-R-02-012, *Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms* – 5th Ed., October 2002. If test results are determined to be invalid or anomalous by the Department, testing shall be repeated with freshly collected effluent.

5. Control water and dilution water shall be laboratory water meeting the requirements of the EPA manual listed in subsection A or pristine natural water of sufficient quality for good control performance.

6. The whole effluent toxicity tests shall be run on an unmodified sample of final effluent.

7. The Permittee may choose to conduct a full dilution series test during compliance monitoring in order to determine dose response. In this case, the series must have a minimum of five (5) effluent concentrations and a control. The series of concentrations must include the ACEC.

8. All whole effluent toxicity tests, effluent screening tests, and rapid screening tests that involve hypothesis testing and do not comply with the acute statistical power standard of 29% as defined in WAC 173-205-020 must be repeated on a fresh sample with an increased number of replicates to increase the power.

S9. CHRONIC TOXICITY

Due to the short duration of each discharge event at Outfall #001, chronic toxicity testing is not required at this facility.

GENERAL CONDITIONS

G1. SIGNATORY REQUIREMENTS

All applications, reports, or information submitted to the Department shall be signed and certified.

A. All permit applications shall be signed by either a principal executive officer or a ranking elected official.

B. All reports required by this permit and other information requested by the Department shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

1. The authorization is made in writing by a person described above and submitted to the Department.

2. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)

C. Changes to authorization. If an authorization under paragraph B.2 above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph B.2, above, must be submitted to the Department prior to or together with any reports, information, or applications to be signed by an authorized representative.

D. Certification. Any person signing a document under this section shall make the following certification:

"I certify under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

G2. RIGHT OF INSPECTION AND ENTRY

The Permittee shall allow an authorized representative of the Department, upon the presentation of credentials and such other documents as may be required by law:

A. To enter upon the premises where a discharge is located or where any records must be kept under the terms and conditions of this permit.

B. To have access to and copy - at reasonable times and at reasonable cost - any records required to be kept under the terms and conditions of this permit.

C. To inspect - at reasonable times - any facilities, equipment (including monitoring and control equipment), practices, methods, or operations regulated or required under this permit.

D. To sample or monitor - at reasonable times - any substances or parameters at any location for purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act.

G3. PERMIT ACTIONS

This permit may be modified, revoked and reissued, or terminated either at the request of any interested person (including the Permittee) or upon the Department's initiative. However, the permit may only be modified, revoked and reissued, or terminated for the reasons specified in 40 CFR 122.62, 122.64 or WAC 173-220-150 according to the procedures of 40 CFR 124.5.

A. The following are causes for terminating this permit during its term, or for denying a permit renewal application:

1. Violation of any permit term or condition.
2. Obtaining a permit by misrepresentation or failure to disclose all relevant facts.
3. A material change in quantity or type of waste disposal.
4. A determination that the permitted activity endangers human health or the environment or contributes to water quality standards violations and can only be regulated to acceptable levels by permit modification or termination [40 CFR part 122.64(3)].
5. A change in any condition that requires either a temporary or permanent reduction or elimination of any discharge or sludge use or disposal practice controlled by the permit [40 CFR part 122.64(4)].
6. Nonpayment of fees assessed pursuant to RCW 90.48.465.
7. Failure or refusal of the Permittee to allow entry as required in RCW 90.48.090.

B. The following are causes for modification but not revocation and reissuance except when the Permittee requests or agrees:

1. A material change in the condition of the waters of the state.

2. New information not available at the time of permit issuance that would have justified the application of different permit conditions.

3. Material and substantial alterations or additions to the permitted facility or activities which occurred after this permit issuance.

4. Promulgation of new or amended standards or regulations having a direct bearing upon permit conditions or requiring permit revision.

5. The Permittee has requested a modification based on other rationale meeting the criteria of 40 CFR part 122.62.

6. The Department has determined that good cause exists for modification of a compliance schedule, and the modification will not violate statutory deadlines.

7. Incorporation of an approved local pretreatment program into a municipality's permit.

C. The following are causes for modification or alternatively revocation and reissuance:

1. Cause exists for termination for reasons listed in A1 through A7, of this section, and the Department determines that modification or revocation and reissuance is appropriate.

2. The Department has received notification of a proposed transfer of the permit. A permit may also be modified to reflect a transfer after the effective date of an automatic transfer (General Condition G8) but will not be revoked and reissued after the effective date of the transfer except upon the request of the new Permittee.

G4. REPORTING A CAUSE FOR MODIFICATION

The Permittee shall submit a new application, or a supplement to the previous application, along with required engineering plans and reports whenever a material change to the facility or in the quantity or type of discharge is anticipated which is not specifically authorized by this permit. This application shall be submitted at least sixty (60) days prior to any proposed changes. The filing of a request by the Permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not relieve the Permittee of the duty to comply with the existing permit until it is modified or reissued.

G5. PLAN REVIEW REQUIRED

Prior to constructing or modifying any wastewater control facilities, an engineering report and detailed plans and specifications shall be submitted to the Department for approval in accordance with Chapter 173-240 WAC. Engineering reports, plans, and specifications shall be submitted at least one hundred and eighty (180) days prior to the planned start of construction unless a shorter time is approved by Ecology. Facilities shall be constructed and operated in accordance with the approved plans.

G6. COMPLIANCE WITH OTHER LAWS AND STATUTES

Nothing in this permit shall be construed as excusing the Permittee from compliance with any applicable federal, state, or local statutes, ordinances, or regulations.

G7. DUTY TO REAPPLY

The Permittee shall apply for permit renewal at least one hundred and eighty (180) days prior to the specified expiration date of this permit.

G8. TRANSFER OF THIS PERMIT

In the event of any change in control or ownership of facilities from which the authorized discharge emanate, the Permittee shall notify the succeeding owner or controller of the existence of this permit by letter, a copy of which shall be forwarded to the Department.

A. Transfers by Modification

Except as provided in paragraph B below, this permit may be transferred by the Permittee to a new owner or operator only if this permit has been modified or revoked and reissued under 40 CFR 122.62(b)(2), or a minor modification made under 40 CFR 122.63(d), to identify the new Permittee and incorporate such other requirements as may be necessary under the Clean Water Act.

B. Automatic Transfers

This permit may be automatically transferred to a new Permittee if:

1. The Permittee notifies the Department at least thirty (30) days in advance of the proposed transfer date.

2. The notice includes a written agreement between the existing and new Permittee's containing a specific date transfer of permit responsibility, coverage, and liability between them.

3. The Department does not notify the existing Permittee and the proposed new Permittee of its intent to modify or revoke and reissue this permit. A modification under the subparagraph may also be minor modification under 40 CFR 122.63. If this notice is not received, the transfer is effective on the date specified in the written agreement.

G9. REMOVED SUBSTANCES

Collected screenings, grit, solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall not be resuspended or reintroduced to the final effluent stream for discharge to state waters.

G10. DUTY TO PROVIDE INFORMATION

The Permittee shall submit to the Department, within a reasonable time, all information which the Department may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The Permittee shall also submit to the Department upon request, copies of records required to be kept by this permit [40 CFR 122.41(h)].

G11. OTHER REQUIREMENTS OF 40 CFR

All other requirements of 40 CFR 122.41 and 122.42 are incorporated in this permit by reference.

G12. ADDITIONAL MONITORING

The Department may establish specific monitoring requirements in addition to those contained in this permit by administrative order or permit modification.

G13. PAYMENT OF FEES

The Permittee shall submit payment of fees associated with this permit as assessed by the Department.

G14. PENALTIES FOR VIOLATING PERMIT CONDITIONS

Any person who is found guilty of willfully violating the terms and conditions of this permit shall be deemed guilty of a crime, and upon conviction thereof shall be punished by a fine of up to ten thousand dollars ($10,000) and costs of prosecution, or by imprisonment in the discretion of the court. Each day upon which a willful violation occurs may be deemed a separate and additional violation.

Any person who violates the terms and conditions of a waste discharge permit shall incur, in addition to any other penalty as provided by law, a civil penalty in the amount of up to ten thousand dollars ($10,000) for every such violation. Each and every such violation shall be a separate and distinct offense, and in case of a continuing violation, every day's continuance shall be deemed to be a separate and distinct violation.

G15. UPSET

Definition – "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the Permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of the following paragraph are met.

A Permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence that:
1) an upset occurred and that the Permittee can identify the cause(s) of the upset;
2) the permitted facility was being properly operated at the time of the upset; and
3) the Permittee submitted notice of the upset as required in Condition S3.F of this permit.

In any enforcement proceeding, the Permittee seeking to establish the occurrence of an upset has the burden of proof.

G16. PROPERTY RIGHTS

This permit does not convey any property rights of any sort, or any exclusive privilege.

G17. DUTY TO COMPLY

The Permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

G18. TOXIC POLLUTANTS

The Permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if this permit has not yet been modified to incorporate the requirement.

G19. PENALTIES FOR TAMPERING

The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than $10,000 per violation, or by imprisonment for not more than two (2) years per violation, or by both. If a conviction of a person is for a violation committed after a first conviction of such person under this Condition, punishment shall be a fine of not more than $20,000 per day of violation, or by imprisonment of not more than four (4) years, or by both.

G20. REPORTING PLANNED CHANGES

The Permittee shall, as soon as possible, give notice to the Department of planned physical alterations or additions to the permitted facility, production increases, or process modification which will result in: 1) the permitted facility being determined to be a new source pursuant to 40 CFR 122.29(b); 2) a significant change in the nature or an increase in quantity of pollutants discharged; or 3) a significant change in the Permittee's sludge use or disposal practices. Following such notice, this permit may be modified or revoked and reissued pursuant to 40 CFR 122.62(a) to specify and limit any pollutants not previously limited. Until such modification is effective, any new or increased discharge in excess of permit limits or not specifically authorized by this permit constitutes a violation of the terms and conditions of this permit.

G21. REPORTING ANTICIPATED NONCOMPLIANCE

The Permittee shall give advance notice to the Department by submission of a new application or supplement thereto at least one hundred and eighty (180) days prior to commencement of such discharges, of any facility expansions, production increases, or other planned changes, such as process modifications, in the permitted facility or activity which may result in noncompliance with permit limits or conditions. Any maintenance of facilities, which might necessitate unavoidable interruption of operation and degradation of effluent quality, shall be scheduled during noncritical water quality periods and carried out in a manner approved by the Department.

G22. REPORTING OTHER INFORMATION

Where the Permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Department, it shall promptly submit such facts or information.

G23. COMPLIANCE SCHEDULES

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than fourteen (14) days following each schedule date.